

AMENDED IN SENATE JUNE 19, 2002
AMENDED IN SENATE SEPTEMBER 5, 2001
AMENDED IN SENATE JULY 9, 2001
AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1235

Introduced by Assembly Member ~~Peseetti~~ Leslie

February 23, 2001

~~An act to add and repeal Section 25913 of the Public Resources Code, and to add Section 329 to the Public Utilities Code, relating to energy. An act to add Section 377.1 to the Public Utilities Code, relating to public utilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1235, as amended, ~~Peseetti~~ Leslie. ~~Natural gas: gas corporations: service~~ Generation facilities: sale or transfer.

Under existing law, the Public Utilities Act, the Public Utilities Commission is granted jurisdiction over certain facilities for the generation of electricity owned by any public utility. The act prohibits any public utility from disposing of a facility for the generation of electricity prior to January 1, 2006.

This bill would exempt the 4 run-of-river hydroelectric project works located on the Truckee River from these provisions, and would exempt any facility for the generation of electricity located outside the state from the provision that prohibits disposition of those facilities until January 1, 2006.

The bill would declare that, due to the unique circumstances of the 4 run-of-river hydroelectric project works located on the Truckee River, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

~~(1) Existing law authorizes the State Energy Resources Conservation and Development Commission to adopt regulations pertaining to certain types of insulation materials.~~

~~This bill, until January 1, 2007, would authorize the commission to adopt regulations governing the use of products to seal the joints and seams of duct systems and their components, if those regulations are based on conclusive, objective, peer reviewed research that meets specified criteria.~~

~~(2) The Public Utilities Act requires the Public Utilities Commission to require each gas corporation to provide bundled basic gas service to all core customers in its service territory unless the customer chooses or contracts to have natural gas purchased and supplied by another entity.~~

~~This bill would amend the act to prohibit a customer that receives noncore service, as defined, from switching to core procurement service, as defined, unless the customer meets certain requirements. The bill would provide that the commission shall not be prohibited from placing additional restrictions on the ability of noncore service customers to switch to core procurement service. Because a violation of the act is a crime, this bill, by prescribing new requirements for gas corporations, would impose a state-mandated local program by changing the definition of a crime.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 25913 is added to the Public Resources~~
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SECTION 1. Section 377.1 is added to the Public Utilities Code, to read:

377.1. (a) Section 377 does not apply to the four run-of-river hydroelectric project works located on the Truckee River, as referenced in Section 210(b)(17) of Public Law 101-618.

(b) The prohibition on the disposal of a facility for the generating of electricity owned by a public utility prior to January 1, 2006, pursuant to Section 377 does not apply to the transfer or sale of a facility for the generation of electricity located outside of the state and owned by a company whose primary place of business is outside of the state.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the four run-of-river hydroelectric project works located on the Truckee River, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

Code, to read:

~~25913. (a) The commission may adopt regulations governing the use of products to seal the joints and seams of duct systems and their components, if those regulations are based on conclusive, objective, peer-reviewed research that meets all of the following criteria:~~

~~(1) The products that are subject of the research are manufactured in accordance with Standards 181, 181A, or 181B adopted by the Underwriters Laboratory, Inc.~~

~~(2) The products that are the subject of the research are tested in accordance with all nationally recognized application standards, including those adopted by Underwriters Laboratories, Inc., the Uniform Mechanical Code, and the National Fire Protection Association.~~

~~(3) The products that are the subject of the research are tested in accordance with testing methods approved by the American Society of Testing and Materials.~~

~~(4) The products that are the subject of the research are tested to determine, at a minimum, tensile strength, peel adhesion strength, shear adhesion strength under a variety of weights, temperatures, humidity levels, and longevity.~~

~~(b) (1) Any regulations adopted by the commission pursuant to subdivision (a) shall specify that joints and seams of duct~~

1 ~~systems and their components shall not be sealed with cloth back~~
2 ~~rubber adhesive duet tape, unless the tape complies with Standard~~
3 ~~181 or 181B adopted by Underwriters Laboratories, Inc., but may~~
4 ~~be used in combination with drawbands.~~

5 ~~(2) For purposes of this subdivision, “drawbands” are~~
6 ~~mechanical clamps that comply with Standard 181, 181A, or 181B~~
7 ~~adopted by Underwriters Laboratories, Inc.~~

8 ~~(c) This section shall remain in effect only until January 1,~~
9 ~~2007, and as of that date is repealed, unless a later enacted statute,~~
10 ~~that is enacted before January 1, 2007, deletes or extends that date.~~

11 ~~SEC. 2. Section 329 is added to the Public Utilities Code, to~~
12 ~~read:~~

13 ~~329. (a) As used in this section, the following terms have the~~
14 ~~following meanings:~~

15 ~~(1) “Core procurement service” means that a customer is~~
16 ~~provided basic gas service as specified in Section 328, and meets~~
17 ~~the definition for core service specified under the filed tariffs of the~~
18 ~~gas corporation.~~

19 ~~(2) “Noncore service” means that a customer meets the usage~~
20 ~~requirements specified under the filed tariffs of the gas corporation~~
21 ~~and has elected to not be provided with core procurement. Noncore~~
22 ~~customers are restricted from purchasing gas from the gas~~
23 ~~corporation.~~

24 ~~(b) A customer that receives noncore service may not switch to~~
25 ~~core procurement service unless the customer agrees, in writing,~~
26 ~~to remain on core service tariffs for a minimum period to be~~
27 ~~determined by the commission, but which shall not be less than~~
28 ~~five years. In addition, the commission shall require a noncore~~
29 ~~service customer to provide sufficient notice to the gas corporation~~
30 ~~of its intent to switch to core procurement service so that the gas~~
31 ~~corporation has a reasonable period of time to plan for the~~
32 ~~procurement of incremental gas supplies. The notice period shall~~
33 ~~be not less than 6 months.~~

34 ~~(c) This section shall not be construed as prohibiting the~~
35 ~~commission from placing additional restrictions on the ability of~~
36 ~~noncore service customers to switch to core procurement service.~~

37 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
38 ~~Section 6 of Article XIII B of the California Constitution because~~
39 ~~the only costs that may be incurred by a local agency or school~~
40 ~~district will be incurred because this act creates a new crime or~~

1 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
2 ~~for a crime or infraction, within the meaning of Section 17556 of~~
3 ~~the Government Code, or changes the definition of a crime within~~
4 ~~the meaning of Section 6 of Article XIII B of the California~~
5 ~~Constitution.~~

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